

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

FERNANDO PEREZ LOPEZ, et al.,
Plaintiffs,

CIVIL NO. 03-2091 (DRD)

v.

HOSPITAL WILMA VAZQUEZ, et al.,
Defendants.

MOTION	RULING
<p>Date Filed: 12/01/05 <input checked="" type="checkbox"/> Plff <input type="checkbox"/> Deft <input type="checkbox"/> Other</p> <p>Title: MOTION REQUESTING DISMISSAL</p>	<p>GRANTED. Plaintiffs in the instant case filed a motion requesting dismissal with prejudice of any and all claims against Hospital Wilma Vazquez only pursuant to a private agreement reached amongst them. Plaintiffs also specify that litigation will continue against co-defendants Dr. Carlos Gonzalez Amparo and his insurance carrier, SIMED. Accordingly, the Court hereby GRANTS plaintiffs' request and DISMISSES all claims against co-defendant Hospital Wilma Vazquez.¹ Partial Judgment to be issued accordingly.</p>

Date: December 5, 2005

S/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

¹The Court sees little possibility of an appeal. Hence, the Court will issue Partial Judgment notwithstanding the strong policy disapproving this practice. The First Circuit strongly disfavors partial judgments as they foster piecemeal appeals. See Nichols v. Cadle Co., 101 F.3d 1448, 1449 (1st Cir. 1996) ("piecemeal appellate review invites mischief. Because the practice poses a host of potential problems we have warned, time and again, that Rule 54(b) should be used sparingly."); Zayas-Green v. Casaine, 906 F.2d 18, 21 (1st Cir. 1990) ("This final judgment rule . . . furthers 'the strong congressional policy against piecemeal review.'" Id. (quoting In re Continental Investment Corp., 637 F.2d 1, 3 (1st Cir. 1980))); Comite Pro Rescate De La Salud v. Puerto Rico Aqueduct and Sewer Authority, 888 F.2d 180, 183 (1st Cir. 1989); Consolidated Rail Corp v. Fore River Ry. Co., 861 F.2d 322, 325 (1st Cir. 1988); Spiegel v. Trustees of Tufts Coll., 843 F.2d 38, 43 (1st Cir. 1988); Santa Maria v. Owens-Ill., Inc., 808 F.2d 848, 854 (1st Cir. 1986)); see also United States v. Nixon, 418 U.S. 683, 690 (1974).